

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 2:08-cr-5-KS-MTP

CURTIS CRAVEN

ORDER GRANTING MOTION PURSUANT TO 28 U.S.C. §2255

THIS CAUSE IS BEFORE THE COURT on Remand from the Court of Appeals for the Fifth Circuit in case number 17-60210, United States of America vs. Curtis Craven. The Circuit Court Opinion remanded the case to this Court for further proceedings consistent with the Circuit Court's Opinion.

The Court has reviewed the applicable case law, the Circuit Court's Opinion, and conducted a conference call participated in by Mr. Gaines Cleveland for the Government, Mr. Michael Scott and Mr. Tom Turner for the Defendant/Petitioner. The Government conceded that one of the burglary convictions that was improperly used to enhance the sentence of Petitioner and caused him to be sentenced under 18 U.S.C. §924(e)(2)(B)(ii). Without the use of the burglary conviction Craven is not qualified for the Armed Career Criminal Act enhancement. Absent the enhancement the maximum prison sentence Craven can receive is ten years or 120 months. Because Petitioner no longer qualifies for an enhanced sentence, the Motion under 28 U.S.C. §2255 is GRANTED and Petitioner's Sentencing Order is to be modified to provide that he is sentenced to a term of incarceration of time served and Supervised Release of three (3) years. All other terms and conditions of the Judgment and Statement of Reasons including the

conditions of supervision are to remain the same. An Amended Judgment and Statement of Reasons will be entered by the Court.

SO ORDERED this the 10th day of January, 2019.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE